

DEPARTMENT OF SOCIAL SERVICES

744 P. Street
Sacramento, California 95814
Telephone: (916) 445-0633



June 9, 1981

ALL-COUNTY LETTER NO. 81-58

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WELFARE RECIPIENTS LEAGUE v. WOODS - IMMEDIATE NEED

REFERENCE:

This letter is to advise you of the status of the case of Welfare Recipients League v. Woods and to request that you provide us with information necessary to respond to interrogatories submitted by plaintiffs.

This case, as originally filed in 1977, alleged a failure on the part of the Department to adequately supervise the counties resulting in an alleged failure on the part of various counties to comply with the "immediate need" regulations (EAS § 40-129). These regulations were subsequently amended and plaintiffs filed a supplemental complaint which attacked the validity of various portions of the revised regulations.

In an attempt to determine the policy and practice of individual counties concerning immediate need under current and prior regulations, plaintiffs submitted to the Department interrogatories requesting such information. Information was sought on numerous and varied factual situations. The Department responded by objecting to the interrogatories in part on the basis that the information necessary to answer was not in the possession of the Department; that the information could only be obtained from the individual county welfare departments; and that the request was oppressive, burdensome and harassing.

Plaintiffs sought an order compelling the Department to respond to the interrogatories. The Superior Court granted plaintiffs' motion in part requiring that we respond as to prior and current immediate need policies of the counties in various situations. The court did not require that we respond as to county practices.

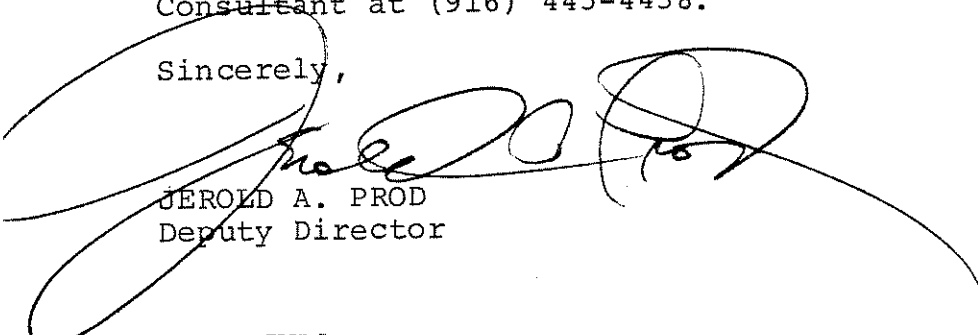
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In order that we can respond to the order of the court, it is necessary that you provide us with information on your prior and current immediate need policies under EAS § 40-129. Attached are the interrogatories that must be answered and the instructions submitted by plaintiffs with regard to the interrogatories. Your responses should be as complete and accurate as possible.

The Department must respond to plaintiffs as quickly as possible. Therefore, it is requested that you provide us with the necessary information within 30 days of the receipt of this letter.

If you have any questions, please contact Bob Campbell in the Chief Counsel's Office at (916) 445-0633 or your AFDC Program Management Consultant at (916) 445-4458.

Sincerely,



JEROLD A. PROD
Deputy Director

cc: CWDA

Attachments

- J. The term "former immediate need regulations" refers to the regulations concerning the immediate need program at MPP § 40-129 as stated in Manual Letter No. 77-5, Rev. 206 and Manual Letter No. 77-12, Rev. 287 of the Department of Social Services.
- K. The term "current immediate need regulations" refers to the regulations concerning the immediate need program at MPP § 40-129 as stated in Manual Letter No. 78-15, Rev. 765 and Rev. 766 of the Department of Social Services.
- L. Technical terminology used in the interrogatories is to be interpreted as used in the MPP, i.e., items of need inquired about in interrogatories are to be given the meanings assigned in MPP § 44-207.211.
- M. Wherever the present tense of a verb is used, where applicable, necessary, or helpful, it shall be taken to refer to both the past and present.
- N. If the response to any interrogatory is that insufficient facts are provided to enable you to formulate an answer, state all additional facts necessary to enable you to furnish answer.
- O. Certain interrogatories request information concerning whether families who filed applications for AFDC would receive an immediate need AFDC payment in particular counties. In these interrogatories, use of the term "the family met all other requirements for such a payment" means:
 - (1) That they are apparently eligible for AFDC;
 - (2) That they have fully cooperated with the county in the application process;
 - (3) That their eligibility cannot be verified within the time frame required for an immediate need payment and thus a special issuance or expedited grant payment is not possible;
 - (4) That the family has no liquid resources available and no goods available to substitute for the need item; and
 - (5) That no alternative resources within the community other than an aid payment can meet their needs.

INSTRUCTIONS TO INTERROGATORIES

- A. Each interrogatory is required to be answered upon your entire knowledge from all sources, including all information of your officers, employees, representatives, attorneys, and agents, and the relevant County Welfare Directors, and their employees. These sources must be consulted in properly answering each interrogatory propounded herein.
- B. If any of the following interrogatories cannot be answered in full, answer to the extent possible, specifying the reason for your inability to answer the remainder, and stating all information or knowledge you have concerning the answered portion. If your answers are qualified in any particular, please set forth the terms and explanations of each such qualification.
- C. If any answer is given which states an objection to the interrogatory on any grounds, state said grounds completely. If the interrogatory is only partly objectionable, answer the remainder of the question as required by these instructions.
- D. Whenever the terms "individual" or "person" or other similar terms appear, where applicable, necessary, or helpful, they shall be taken to refer to both the singular and the plural, and to both the masculine and feminine genders.
- E. "Identify" or "describe" with respect to a person shall mean, as to such person, you are requested to state: his or her name; his or her last known business address and telephone number, and his or her last known occupation or job title.
- F. The term, "county" is used herein to signify the county welfare department and its officers, employees, and agents. Wherever a response is requested to be separately stated for each county, please identify the county to which the particular response is relevant.
- G. The term, "AFDC" is used herein to signify all programs administered by the Department of Social Services for aid to families with dependent children. Unless requested to separately state numerical responses for each separate AFDC program, please state the aggregate figure for all AFDC cases.
- H. The term "immediate need AFDC payments" means a payment made pursuant to Welfare and Institutions Code §§ 11056 and 11266 and MPP § 40-129.
- I. The term "liquid resources" means the same as defined in MPP § 40-129.11.

INTERROGATORIES

1. For each of the following items of need, during the time that the former immediate need regulations were in effect, separately state for each county whether the county policy was to provide an immediate need AFDC payment to an applicant family if the family met all other requirements for such a payment, but their only immediate need was:
 - a. Current rent due, but no eviction notice.
 - b. Residing temporarily with friends or relatives who are unable or unwilling to continue to allow them to remain.
 - c. Insufficient food, but food stamps could be issued by end of day following.
 - d. Insufficient food, but food stamps could not be issued by end of day following.
 - e. Current utility bill due and payable, but no shut-off notice.
 - f. Items for basic household operations, such as light bulbs, soap for washing dishes and laundry, bed linens, towels, toilet paper, etc.
 - g. Items for basic personal or dental hygiene, such as hand soap, sanitary napkins or tampons, diapers, toothpaste, toothbrushes, etc.
 - h. Items for basic educational needs, such as pencils, pens, paper, rulers, binders, etc.
 - i. Required medical, dental or other remedial care not otherwise provided at public expense.
 - j. Basic transportation needs, such as funds for transportation to welfare department, medical or dental appointments, or grocery shopping beyond walking distance.
2. "Identify" all persons consulted who provided information to enable you to formulate a response to Interrogatory No. 1, broken out by response.
3. For each of the following items of need, during the time that the current immediate need regulations have been in effect, separately state for each county whether the county policy was to provide an immediate need AFDC payment to an applicant family if the family met all other requirements for such a payment, but their only immediate need was:
 - a. Current rent due, but no eviction notice.

- b. Residing temporarily with friends or relatives who are unable or unwilling to continue to allow them to remain.
 - c. Insufficient food, but food stamps could be issued by end of day following.
 - d. Insufficient food, but food stamps could not be issued by end of day following.
 - e. Current utility bill due and payable, but no shut-off notice.
 - f. Items for basic household operations, such as light bulbs, soap for washing dishes and laundry, bed linens, towels, toilet paper, etc.
 - g. Items for basic personal or dental hygiene, such as hand soap, sanitary napkins or tampons, diapers, toothpaste, toothbrushes, etc.
 - h. Items for basic educational needs, such as pencils, pens, paper, rulers, binders, etc.
 - i. Required medical, dental or other remedial care not otherwise provided at public expense.
 - j. Basic transportation needs, such as funds for transportation to welfare department, medical or dental appointments, or grocery shopping beyond walking distance.
4. "Identify" all persons consulted who provided information to enable you to formulate a response to Interrogatory No. 3, broken out by response.